



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number September 15-133RZ/P
Case Type Rezoning / Preliminary Plat
Project Name Nichols Farm

Applicant: Bradley Nichols
8707 N. Lydia
Kansas City, Missouri 64155

Owner: Frank S. Nichols
8707 N. Lydia
Kansas City, Missouri 64155

Request **Rezoning** from Agricultural (AG) to Residential Rural District (R-1) for LOT 1 ONLY

AND

Preliminary Plat approval of the Nichols Farm

Application Submittal 2015-08-03

Public Notice Published 2015-08-13

Neighbor Letters Sent 2015-08-12

Report Date 2015-08-26

Public Hearing Opened 2015-09-01

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Manager

Recommendation TABLED with conditions



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General Information

Site Location: .4 miles south of 92 Highway along Hornback Road
Section 34 | Township 53 | Range 33

Site Size: 40.03 ± acres

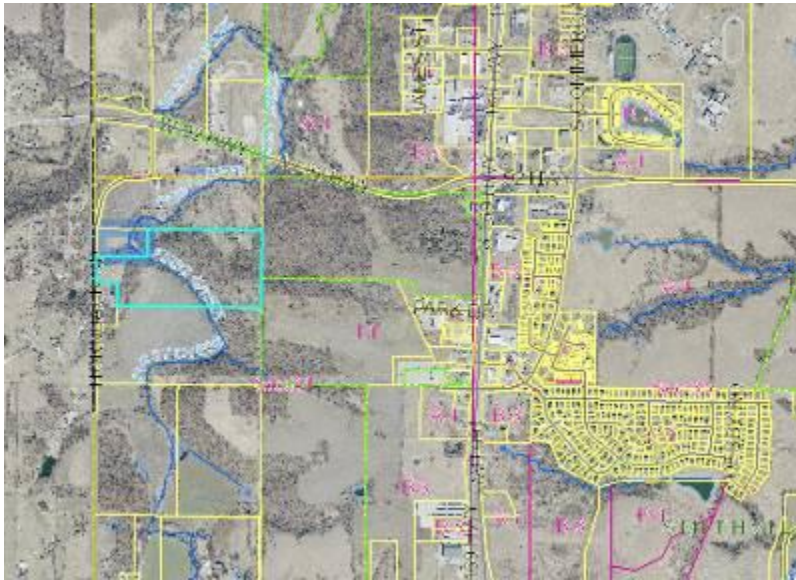
Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

North - Pitman Farm (R-1A), AG zoned land
East - C-2 zoned land, City of Smithville, 92 Highway
South - Kullman Farm (R-1A), AG zoned land
West - Platte County

Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Bradley Nichols, representing Frank S. Nichols is requesting **Rezoning** approval from Agricultural district (AG) to Residential Rural (R-1) District for LOT 1 ONLY and **Preliminary Plat** approval for Nichols Farm .

Mr. Nichols would like to split the property into two (2) lots in order for his Son to build a home on the smaller Lot 1, which is approximately 10 acres.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER , as well as the 1-Mile Urban Coordination Sub-Tier where advise-and-consent should be solicited from the designated city.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the landuse tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Smithville responded with a phone call on August 21, 2015 stating they have "*no comment on this*". Therefore the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

The property abuts the city limits of the City of Smithville, and C-2 zoning on the east. On the west is Platte County. To the north is Pitman Farm (R-1A), a one lot subdivision and Agriculturally zoned land. To the South is Kullman Farm (R-1A), a one lot subdivision and Agriculturally zoned land. First Creek traverses along the eastern portion of the proposed subdivision flowing from the north to the southeast [See Attachment B].

Code Considerations

The rezoning application was properly noticed in the Kearney Courier on August 13, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent August 12, 2015.

The petitioner should fully address the five (5) rezoning criteria in the 2011 Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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Outside Agency Review

The Clay County Highway Department has noted the following:

"Clay Co. Highway will perm[it] the driveways will pass MUTCD & CCH specifications. [Hornback] is chip seal. There will be a 30-ft [right-of-way]".

The Clay County Health Department has not given approval for the suitability of septic systems due to the lack of the morphology reports. Platte County Public Water Supply District #4 has given approval for both lots with conditions the Water District deems necessary. The property lies within the Smithville Area Fire Protection District, and will be required to meet their fire hydrant and water supply requirements for residential subdivisions.

Findings

Any building permits issued for both lots of the subject request will require a Certificate of Elevation due to the existence of designated FEMA SFHA (Special Flood Hazard Area) on the property.

Road Impact Fees (*RIF*) are required unless the waiver is approved by the Highway Department, the Planning and Zoning Commission and the County Commission. A shared driveway agreement for the ingress/egress (*I/E*) easement will need to be recorded along with the final plat.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural District (AG) to Residential Rural District (R-1) for LOT 1 ONLY of Nichols Farm be **tabled** due to the absence of approved public services (sanitary sewer system). However, if the Planning & Zoning Commission votes to approve, staff recommends the approval be subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Nichols Farm be **tabled** due to the absence of approved public services (sanitary sewer system). However, if the Planning and Zoning Commission votes to approve, staff recommends the following conditions as shown on Exhibit A:

Exhibit A

1. Building plans shall be submitted and approved by the Smithville Area Fire Protection district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
2. Road Impact Fees (*RIF*) are required unless the waiver is approved by Highway Department, Planning & Zoning Commission and the County Commission.
3. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lot 2. Owners of the Lots must maintain both driveway and 911 sign.
4. A shared driveway agreement must be in place at the time of Final Plat recording.
5. The following corrections to the recording copies of the final plat:
 - a. ADD: Lot 1; 15' utility easements (*UE*) on the south and east interior property lines.
 - b. ADD: Lot 2; 15' *UE* along all interior property lines, except front which will need a 30' *UE*.



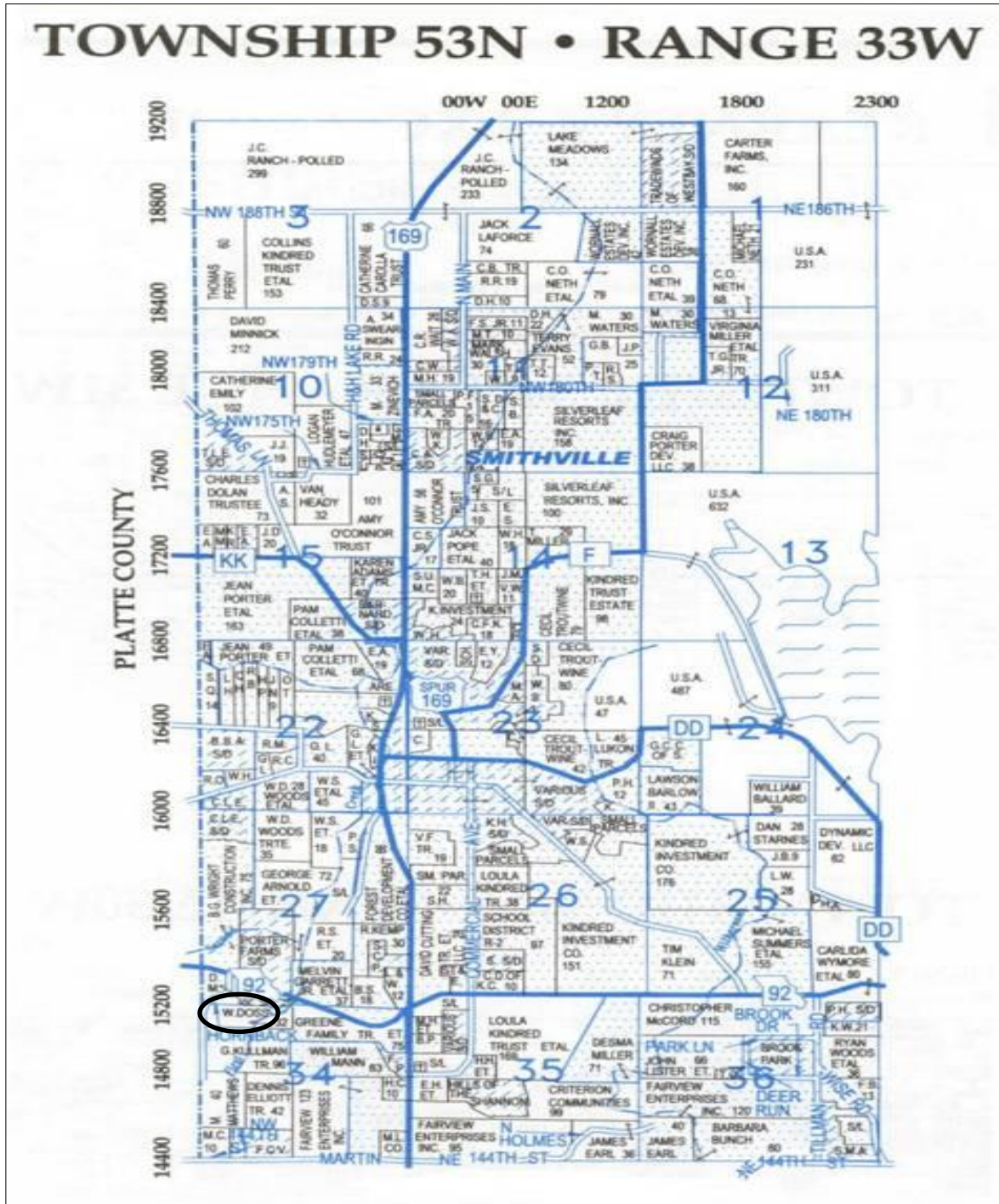
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Attachments

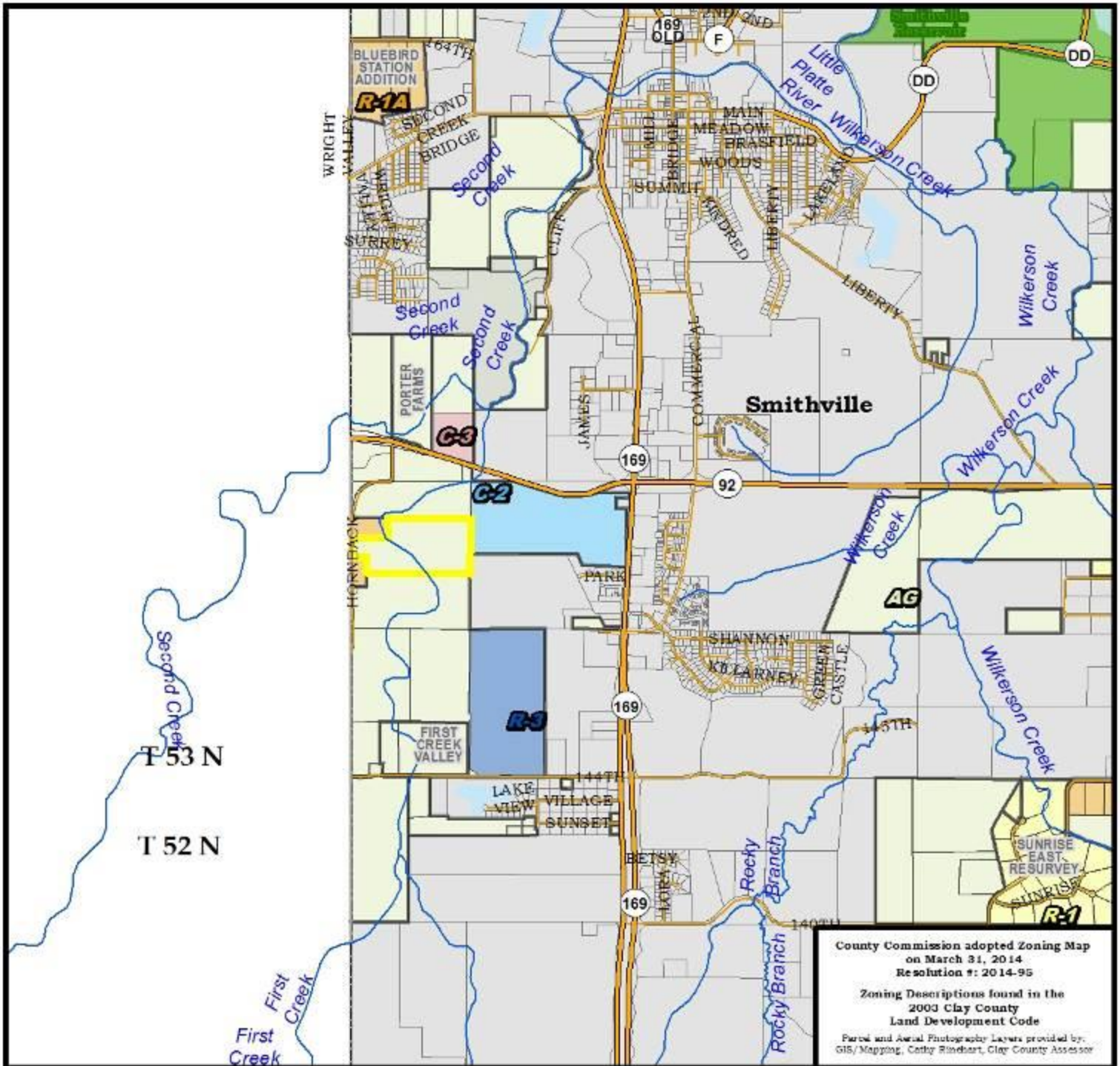
September 15-133RZ/P – Nichols Farm

Attachment A – Vicinity Map



Aug 15-133RZ/P – Nichols Farm

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department

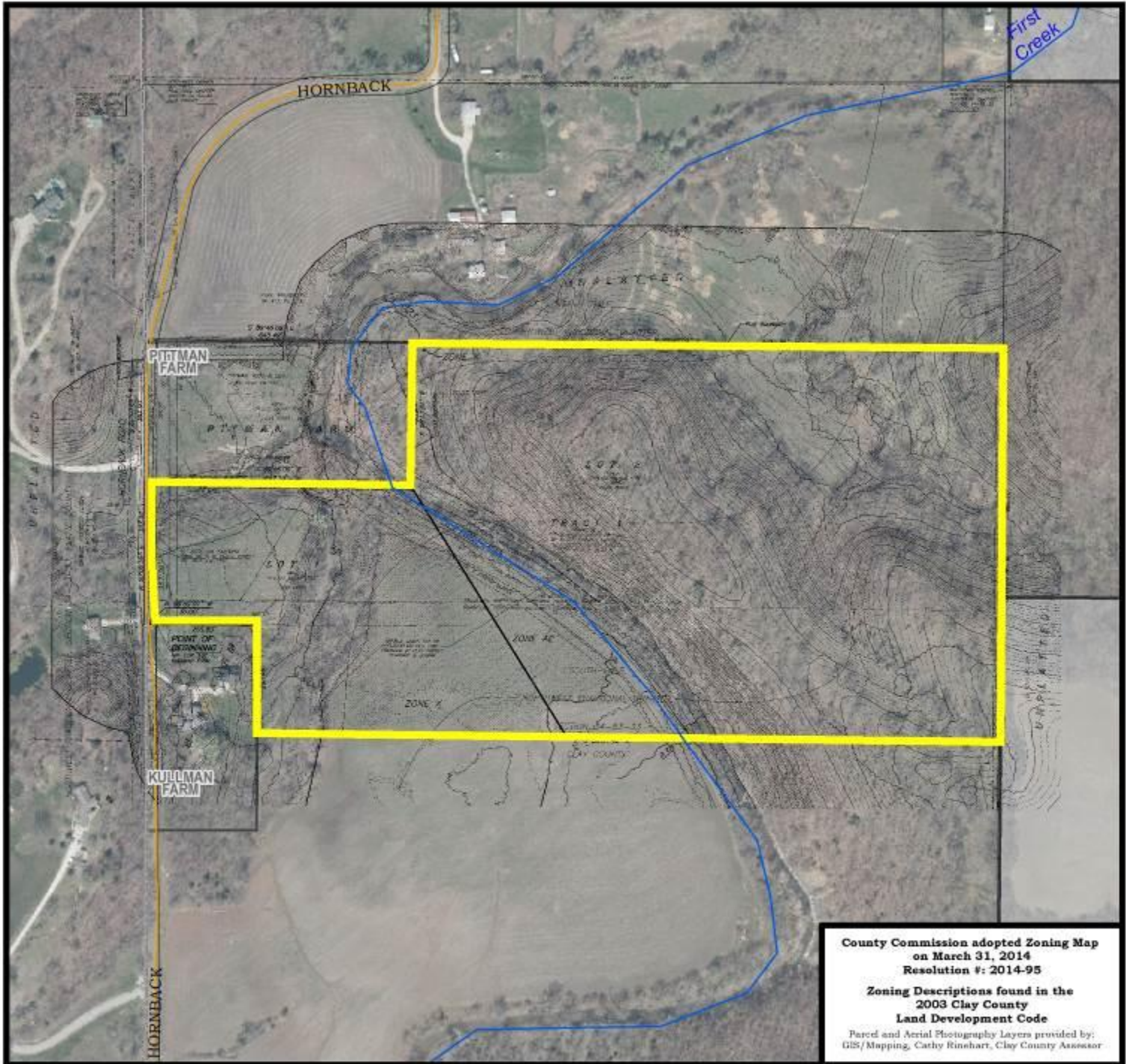


LEGEND



Sept 15-133RZ/P – Nichols Farm

Attachment C - Site Plan Map



Planning & Zoning Department

1 inch = 350 feet
1 inch = 0.07 miles

LEGEND

- | | | |
|---------------|----------------|-------------------|
| Property Line | Roads | Subdivisions |
| Streams (EPA) | Interstates | City Limits |
| Railroads | State Highways | Parks |
| | Local Roads | County Boundaries |
| | Highway Ramps | |